

## Subpart E—Procedure for Categorical Exclusions

### § 1794.40 General.

The following procedure, which applies to action classified as categorical exclusions in § 1794.31 hereof, provides RUS with information necessary to determine if the proposed action meets the criteria for a categorical exclusion. Where, because of extraordinary circumstances, an action may have a significant effect on the quality of the human environment, RUS may require additional environmental documentation.

### § 1794.41 Proposals with no BER.

Normally the Borrower shall not submit a BER for proposals included in § 1794.31(b). However, if so noted in § 1794.31(b) the Borrower shall submit a description of the proposal. Such description shall include, where applicable, a plan for erosion and sedimentation control. No public notice is required unless the proposal is located in and may affect wetlands or floodplains.

### § 1794.42 BER proposals.

For proposals included in § 1794.31(c) the Borrower normally shall submit a BER or its equivalent which will assist RUS in identifying extraordinary circumstances in which a normally excluded action may have a significant environmental effect. No public notice is required unless the proposal is located in and may affect wetlands or floodplains. RUS shall not permit construction or other activities which would have an environmental effect until it has received, reviewed and accepted an adequate BER.

## Subpart F—Procedure for Proposals Normally Requiring an EIS

### § 1794.50 Normal sequence.

Appendix A to part 1794 (Procedure for Proposals which Normally Require an EIS) describes the normal sequence of EIS preparation to be employed by RUS. For proposals normally requiring an EA with scoping (see § 1794.34), the NEPA process shall proceed in the same manner as for proposals normally requiring an EIS through the point at

which the Environmental Analysis is submitted (see § 1794.53). After the Environmental Analysis has been submitted, RUS shall make a judgment to prepare either an EIS or a finding of no significant impact (FONSI).

### § 1794.51 Preparation for scoping.

(a) RUS has developed a general approach to the NEPA process, including scoping, for proposals normally requiring an EIS (§ 1794.32) and for proposals normally requiring an EA with scoping (§ 1794.34). Scoping procedures are designed to determine the scope of issues to be addressed and to identify significant issues related to a proposed action. RUS may require scoping procedures to be followed for other proposals where appropriate to achieve the purposes of NEPA.

(b) As soon as practicable, RUS will publish its notice of intent to prepare an EIS (see 40 CFR 1508.22). The Borrower shall publish, in a timely manner, a notice similar to RUS's notice. If the proposal is one which normally requires an EA with scoping (§ 1794.34), the notice shall indicate that: (1) RUS may prepare an EA before or without necessarily preparing an EIS, and (2) the decision whether or not to prepare an EIS will be based on information received from the Borrower, Federal, state and local agencies, organizations and the general public during the scoping process, preparation of the Environmental Analysis, and the review period for a finding of no significant impact (if originally issued).

(c) As part of the early project planning the Borrower should consult with expert and interested Federal, state and local agencies to inform them of the proposed project, and to identify permits and approvals which must be obtained and administrative procedures which must be followed.

(d) Before any scoping meetings are held RUS shall require the Borrower to submit two environmental documents:

(1) Alternative evaluation;

(2) Siting study (for electric generation or new mines) or Macro-Corridor study (for electric transmission).

(e) The Borrower is encouraged to hold additional public information meetings in the general location of the